

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10194-RCL
)	
DAVID JORDAN)	
and)	
ANTHONY BUCCI,)	
Defendants)	

**GOVERNMENT’S OPPOSITION TO DEFENDANT JORDAN’S
MOTION IN LIMINE ON INDIVIDUALS
POSING AS POLICE OFFICERS**

The United States of America by and through Assistant United States Attorneys John T. McNeil and S. Theodore Merritt, respectfully file this opposition to Defendant Jordan’s Motion in Limine to Exclude Evidence and/or References to Individuals Posing as Police Officers [Doc.No. 212].

Defendant Jordan seeks to exclude all reference to prior instances in which his co-defendant, Anthony Bucci, conducted robberies of drug dealers by having co-conspirators pose as police officers. While Jordan acknowledges that such evidence would not be offered against him, he argues that it would nonetheless be unfairly prejudicial because there is no evidence that he participated in these prior robberies in which individuals posed as police officers.

The government does not currently intend to offer evidence in any witness’s direct testimony regarding Bucci’s prior use of individuals posing as police officers to stage robberies of drug dealers, and agrees not to offer such evidence without prior notice to the Court. However, the government requests the Court to defer ruling on this motion until the evidence develops at trial. Depending on the defendants’ opening statements and their cross-examination of witnesses, Bucci’s use of individuals posing as police officers may become highly relevant.

In particular, the co-conspirators' knowledge of Bucci's prior modus operandi in robbing drug dealers may be relevant to establishing their state of mind and criminal intent, among other things.

In order to fully evaluate the probative value of evidence of Bucci's past use of individuals posing as police officers, the government respectfully requests that the Court defer ruling on Defendant Jordan's motion in limine.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

March 13, 2006

BY: John T. McNeil
JOHN T. McNEIL
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CERTIFICATE OF SERVICE

I, John T. McNeil, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney